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LETTER DATED 19 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF POLAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose the following letter from the Minister for Foreign Affairs of the Republic of Poland, in his capacity as Chairman-in-Office of the Organization for Security and Cooperation in Europe, dated 16 October 1998, informing you of the signing of the agreement between the Organization for Security and Cooperation in Europe and the Government of the Federal Republic of Yugoslavia on the Kosovo Verification Mission (see enclosure). I have the honour to request that the present letter, its annex and enclosure be circulated as a document of the Security Council.

(Signed) Eugeniusz WYZNER
Ambassador
Permanent Representative

98-31330 (E) 201098

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Annex

Letter dated 16 October 1998 from the Minister for Foreign Affairs of Poland addressed to the Secretary-General

I am writing to inform you that today I have signed, in my capacity as the Chairman-in-Office of the Organization for Security and Cooperation in Europe, the enclosed agreement between the Organization for Security and Cooperation in Europe and the Government of the Federal Republic of Yugoslavia on the Kosovo Verification Mission.

This agreement, together with the agreement on the North Atlantic Treaty Organization-Kosovo Air Verification Regime signed yesterday at Belgrade, is aimed to support international efforts to solve the crisis in Kosovo and constitutes an important step towards the development of a political framework aimed at ensuring compliance with the demands set out in United Nations Security Council resolution 1199 (1998). The Organization for Security and Cooperation in Europe also took careful note of your report on the implementation of that resolution. The agreement highlights the verification of the compliance of the said resolution, as stipulated in its paragraph 16.

It is my understanding that the agreements will be acknowledged and supported by the Security Council in an appropriate resolution, in order to make these acts effective and to ensure the safety and security of international verifiers. I understand that your decision to send a mission to the Federal Republic of Yugoslavia this weekend to assess developments on the ground and to continue reporting to the Security Council on the compliance by the authorities of the Federal Republic of Yugoslavia with its resolutions 1160 (1998) and 1199 (1998), would not delay the decision on such a resolution.

Once this important political support is secured, I am ready to immediately begin deployment of the Kosovo Verification Mission on the ground. I have already decided to dispatch a small technical advance mission to the Federal Republic of Yugoslavia to start preparation of the operation, the scope of which goes beyond the previous experience of the Organization for Security and Cooperation in Europe. I am also considering a conclusion of an understanding/ agreement with the North Atlantic Treaty Organization on cooperation with the Organization for Security and Cooperation in Europe in performing its tasks in Kosovo.

May I assure you, Mr. Secretary-General, of my awareness that the agreement is only a beginning of a new and decisive stage of a long process to solve the Kosovo crisis. The Organization for Security and Cooperation in Europe stands ready to do its best in this regard, in accordance with the Charter of the United Nations and the principles of the Organization for Security and Cooperation in Europe.

I sincerely hope that the Organization for Security and Cooperation in Europe will enjoy the continued support of the United Nations in this process.

I will continue to keep you informed of further developments regarding the Kosovo crisis.

(Signed) Bronislaw GEREMEK

Enclosure

Agreement on the Kosovo Verification Mission of the Organization for Security and Cooperation in Europe

- Devoted to the respect of the principles of the UN Charter and to the Principles of the Helsinki Final Act on peace, stability and cooperation in Europe, as well as to the Paris Charter,

- Considering in particular the importance of reaching a peaceful, democratic and lasting solution of all existing problems in the Province of Kosovo and Metohija, based on the equality of all citizens and national and ethnic communities,

- Devoted to the respect of the sovereignty and territorial integrity of all states in the region,

- Agreeing to comply with and willing to contribute to the FRY implementation of Resolutions 1160 and 1199 of the UN Security Council,

- The Federal Government of the FR of Yugoslavia, on one side,

- and, The OSCE, on the other,

- have reached the following

AGREEMENT

I *Establishment and Termination*

1. The OSCE Kosovo Verification Mission will be established by the OSCE Permanent Council pursuant to a resolution of the United Nations Security Council calling upon OSCE to establish the Mission.

2. The FRY government has informed the OSCE Chairman-in-Office of its endorsement of the establishment of the Mission.

3. OSCE will request member states to contribute personnel and funding for the Verification Mission in accordance with established procedures.

4. OSCE will establish coordination with other organizations it may deem appropriate to allow the Verification Mission to accomplish all its objectives most effectively.

5. KDOM will act in place of the OSCE Verification Mission pending its establishment. Once OSCE is operational, KDOM will be absorbed by the Verification Mission.

6. The FRY government hereby guarantees the safety and security of the Verification Mission and all its members.

7. In the event of an emergency situation in Kosovo which in the judgment of the Mission Director threatens the safety of members of the Verification Mission, the FRY shall permit and cooperate in the evacuation of Verification Mission members.

8. The FRY government will accept the OSCE Verification Mission as a diplomatic entity in terms of the Vienna Convention on Diplomatic Relations. The Mission will enjoy the privileges and immunities conferred by such status, as will its members, in accordance with the Vienna Convention.

9. The FRY government and its entities will designate formal liaison officers to work with the Verification Mission in Belgrade, Pristina and field locations. The FRY, Serbian and Kosovo authorities will undertake to provide full cooperation and support to the Verification Mission. This will include, but not be limited to, billets, frequency or frequencies, visas and documentation, customs facilities, vehicle registration, fuel, medical support, airspace access for support aircraft and access to Belgrade, Pristina and other airports in accordance with normal procedures.

10. The OSCE and the FRY agree on a Verification Mission for one year, with extensions upon the request of either the OSCE Chairman-in-Office or the FRY government.

1. To verify compliance by all parties in Kosovo with UN Security Council Resolution 1199, and report instances of progress and/or non-compliance to the OSCE Permanent Council, the United Nations Security Council and other organizations. These reports will also be provided to the authorities of the FRY.

2. To establish permanent presences at as many locations throughout Kosovo as it deems necessary to fulfil its responsibilities;

3. To maintain close liaison with FRY, Serbian and, as appropriate, other Kosovo authorities, political parties and other organizations in Kosovo and accredited international and non-government organizations to assist in fulfilling its responsibilities;

4. To supervise elections in Kosovo to ensure their openness and fairness in accordance with regulations and procedures to be agreed. For the elections, the Mission may be augmented with elections support personnel;

5. To report and make recommendations to the OSCE Permanent Council, the UN Security Council and other organizations on areas covered by UN Security Council Resolution 1199.

III *Specific Terms of Reference*

1. The Verification Mission will travel throughout Kosovo to verify the maintenance of the cease-fire by all elements. It will investigate reports of cease-fire violations. Mission personnel will have full freedom of movement and access throughout Kosovo at all times.

2. The Verification Mission will receive weekly information from relevant FRY/Serbian military/police headquarters in Kosovo regarding movements of forces during the preceding week into, out of or within Kosovo. Upon request of the Verification Mission Director, Mission personnel may be invited to accompany police within Kosovo.

3. The Verification Mission will look for and report on roadblocks and other emplacements which influence lines of communication erected for purposes other than traffic or crime control. The Mission Director will contact the relevant authorities upon receipt of such reports. These authorities will explain the reasons for the emplacements or else direct that the emplacements be removed immediately. The Verification Mission will also receive notification should emergent circumstances lead to the establishment of a roadblock for other than traffic or crime control-related reasons. The Mission Director may request the removal of any roadblock.

4. The Verification Mission will maintain liaison with FRY authorities about border control activity and movement by units with border control responsibilities through areas of Kosovo away from the border. The Verification Mission, when invited by the FRY authorities or upon its request, will visit border control units and accompany them as they perform their normal border control roles.

5. When invited or upon request, the Verification Mission will accompany police units in Kosovo as they perform their normal policing roles.

6. The Verification Mission will, to the extent possible, assist UNHCR, ICRC and other international organizations in facilitating the return of displaced persons to their homes, the provision of facilitative and humanitarian assistance to them by the FRY, Serbian and Kosovo authorities as well as the humanitarian organizations and NGO's. The Mission will verify the level of cooperation and support provided by the FRY and its entities to the humanitarian organization and accredited NGO's in facilitating procedural requirements such as issuance of travel documentation, expedited customs clearance for humanitarian shipments and radio frequencies. The Mission will make such representations as it deems necessary to resolve problems it observes.

7. As the political settlement defining Kosovo's self-government is achieved and implementation begins, the Mission Director will assist, both with his own resources and with augmented OSCE implementation support, in areas such as elections supervision, assistance in the establishment of Kosovo institutions and police force development in Kosovo.

8. The Mission Director will receive periodic updates from the relevant authorities concerning eventual allegations of abusive actions by military or police personnel and status of disciplinary or legal actions against individuals implicated in such abuses.

9. The Verification Mission will maintain liaison with FRY, Serbian and, as appropriate, Kosovo authorities and with ICRC regarding ICRC access to detained persons.

10. The Mission Director will, as required, convene representatives of national communities and authorities to exchange information and provide guidance on implementation of the agreement establishing the Verification Mission.

11. The Mission Director will report instances of progress and/or non-compliance or lack of full cooperation from any side to the OSCE and other organizations.

IV *Composition and Facilities*

1. A Director, together with headquarters staff to be determined by Verification Mission requirements.

2. 2000 unarmed verifiers from OSCE member states will be permitted. Headquarters and support staff included in this total. The Mission may be augmented with technical experts provided by OSCE.

3. A headquarters in Pristina.

4. Field presence in locations around Kosovo to be determined by the Mission Director.

5. A small liaison office in Belgrade.

6. Vehicles, communications and other equipment along with locally-hired interpreters and support staff which the Director deems to be required for the performance of the responsibilities of the Mission.

V *Field Presence*

1. Coordination centers will be established in the capital of each *opstina* in Kosovo with specific areas of responsibility, under the Mission Director located in Pristina.

2. Many *opstina* coordination centers will have one or more sub-stations in smaller towns/villages in the *opstina*. The number and location of sub-stations will vary from *opstina* to *opstina*, depending on the verification environment and past conflict situation.

3. The chief of each coordination center will maintain a liaison relationship with the *opstina* authorities and the local leadership of the ethnic Albanian and other communities. Each sub-station will be responsible for coordination with the local authorities, including the local leadership of main ethnic groups.

4. The number of verification personnel assigned to each coordination center and sub-station would depend on the complexity of verification issues in the particular area.

5. Each coordination center and sub-station would have appropriately configured vehicles with which to patrol its assigned area of responsibility.

Done at Belgrade on 16 October 1998 in two original copies in the English and Serbian languages.

FOR THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

(Signed) H.E. Bronislaw GEREMEK
Chairman-in-Office

FOR THE FEDERAL REPUBLIC OF YUGOSLAVIA

(Signed) H.E. Zivadin JOVANOVIC
Minister of Foreign Affairs